

TRANSCRIPT OF PROCEEDINGS

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED COPY ORIGINAL

In the Matter of:

TERRY KEITH HAMMOND

EB Docket No. 06-163

Application for Renewal of License for Station
KBKH (FM) Shamrock, Texas

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FCC-06LJ-RCD

DATE OF HEARING: NOVEMBER 15, 2006 VOLUME: 01

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NEAL R. GROSS & CO., INC.
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WASHINGTON, D.C. 20005
TELEPHONE (202) 234-4433

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

EB Docket No. 06-163

TERRY KEITH HAMMOND

Application for
Renewal of License
for Station KBKH(FM)
Shamrock, Texas

Facility ID No. 81640
EB-03-IH-0130
File No. BRH-20050401

Federal Communications Commission
Hearing Room TW-A363
445 12th Street, S.W.
Washington, D.C.

Wednesday, November 15, 2006
9:30 a.m.

BEFORE:

ARTHUR STEINBERG, Administrative Judge

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

APPEARANCES:

On Behalf of the Applicant:

NONE

On Behalf of the Federal Communications
Commission:

ANJALI K. SINGH, ESQ.
JUDY LANCASTER, ESQ.
Federal Communications Commission
Chief Enforcement Bureau
445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-1420

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I-N-D-E-X

EXHIBITS:ID REC'D

1 Affidavit of Terry Keith
Hammond

10 10

Start Time: 9:28 a.m.
End Time: 9:38 a.m.

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P-R-O-C-E-E-D-I-N-G-S

9:28 a.m.

ADMIN. JUDGE STEINBERG: This is a prehearing conference in EB Docket No. 06-163.

By Order to Show Cause, Notice of Opportunity for Hearing and Hearing Designation Order FCC 06-124, released September 15, 2006, this case was designated for hearing.

Issues 1 and 2 seek to determine the effect of Terry Keith Hammond's felony conviction on his qualifications to be and to remain a Commission licensee and to determine whether Mr. Hammond's license for Station KBKH (FM) in Shamrock, Texas should be revoked.

Issues 3 through 8 were specified to determine whether Mr. Hammond made false certifications, misrepresentations and/or lacked candor in certain applications he filed with the Commission. Those are issues 3 and 4.

To determine whether Mr. Hammond violated certain provisions of the Commission's technical rules, which are covered in issues 5

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1 and 6.

2 To determine whether Mr. Hammond
3 failed to provide full and complete responses and
4 documents as directed by the staff of the
5 Enforcement Bureau. That's issue 7.

6 And ultimately to determine whether
7 Mr. Hammond's application for renewal of license
8 for Station KBKH(FM) should be granted or denied.
9 And that's issue 8.

10 By order FCC 06M-29 released
11 September 20, 2006 this case was assigned to me
12 and a prehearing conference was scheduled for
13 this morning.

14 Let me first take the appearances of
15 counsel for the parties. For Terry Keith Hammond?
16 Let the record reflect no response and no one is
17 here on his behalf.

18 For the Chief Enforcement Bureau?

19 MS. SINGH: Good morning, Your Honor.
20 I'm Anjali Singh on behalf of the Enforcement
21 Bureau. And with me is Judy Lancaster.

22 ADMIN. JUDGE STEINBERG: Thank you.

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1 Before I start, I just want to --
2 basically what I'm going to do is recite the
3 provisions of the Commission's rules in the
4 hearing designation order relating to the failure
5 to file a notice of appearance and the
6 consequences thereof. But before I do that, I
7 wonder if Ms. Singh and Ms. Lancaster had
8 anything that they wanted to say?

9 MS. SINGH: No, Your Honor. But
10 thank you for the opportunity.

11 ADMIN. JUDGE STEINBERG: Okay.

12 Sections 192(c) and 1.221(c) of the
13 Commission's rules as well as paragraph 35 of the
14 Order to Show Cause required Mr. Hammond to file
15 a written appearance stating that he will appear
16 at the hearing and present evidence on the
17 specified issues.

18 Pursuant to paragraph 35 of the OSC
19 the written appearance was required to be filed
20 within 30 days of the release of the OSC.

21 Since the Order to Show Cause was
22 released on September 15, 2006, the notice of

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1 appearance was due to be filed on or before
2 October 15, 2006. However, since October 15th
3 fell on a Sunday, the due date was the following
4 Monday, October 16th.

5 No written notice of appearance has
6 been filed and no one has entered an appearance
7 on behalf of Mr. Hammond at this conference.

8 First, with respect to the revocation
9 aspects of this case, that is those which pertain
10 to issues 1 and 2, Section 1.92(a)(1) of the
11 Commission's rules and paragraph 35 of the Order
12 to Show Cause provide that under the
13 circumstances presented here, the failure to file
14 the requisite notice of appearance constitutes a
15 waiver of the right to a hearing.

16 Second, with respect to the rule
17 aspects of this case, that is those which pertain
18 to issues 3 through 8, Section 1.221(c) of the
19 Commission's rules as well as paragraph 35 of the
20 Order to Show Cause provide that if Mr. Hammond
21 fails to file a written notice of appearance
22 within the time specified, his applications for

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1 renewal of license for Station KBKH(FM) will be
2 dismissed with prejudice for failure to
3 prosecute.

4 Consequently, pursuant to Section
5 1.221(c) of the rules and paragraph 35 of the
6 Order to Show Cause an order will be issued
7 dismissing with prejudice the application for
8 renewal of license of Station KBKH(FM).

9 In addition, in accordance with
10 Sections 1.92(c) of the rules and paragraph 35 of
11 the OSC, the order will also recite the events
12 and circumstances constituting a waiver of the
13 hearing with regard to issues 1 and 2. The order
14 will terminate the hearing proceeding and will
15 certify issues 1 and 2 to the Commission.

16 Any comments on what I just said?

17 MS. SINGH: No, thank you, Your
18 Honor.

19 ADMIN. JUDGE STEINBERG: Okay. With
20 that, we will conclude the prehearing conference
21 and I will issue an order in due course. And I
22 thank you all for being here.

1 And we're finished.

2 (Whereupon, the above-
3 entitled matter went off
4 the record at 9:33 a.m. and
5 resumed at 9:37 a.m.)

6 ADMIN. JUDGE STEINBERG: We're back
7 on the record.

8 While we were off the record, it was
9 brought to my attention that the Enforcement
10 Bureau obtained an affidavit of Terry Keith
11 Hammond in which Mr. Hammond acknowledges the
12 receipt of the Order to Show Cause, Notice of
13 Opportunity for Hearing and Hearing Designation
14 Order. And I think that it would be beneficial to
15 have that in the record.

16 The Enforcement Bureau provided me
17 with two copies of it. I requested that they
18 retain the original because it may be an
19 important document and originals tend to get lost
20 the way things are done now.

21 So what I've done is I've marked,
22 it's a one page exhibit entitled Affidavit of

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1 Terry Keith Hammond. And I've marked it EB for
2 Enforcement Bureau, Exhibit 1. And I'll identify
3 it as EB Exhibit 1 and I will receive it into
4 evidence. And I will give the two copies to the
5 reporter.

6 (Whereupon, the document
7 was marked as EB Exhibit 1
8 for identification and was
9 received into evidence.)

10 Thank you very much.

11 We'll go off the record again.

12 (Whereupon, the above-entitled matter
13 was adjourned at 9:38 a.m.)

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CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

Terry Keith Hammond

Name of Conference

EB DOCKET NO. 06-163

Docket No. (if applicable)

445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

NOVEMBER 15, 2006

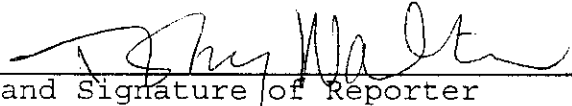
Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 10, inclusive, are the true, accurate and complete transcript prepared from the reporting by

Toby Walter (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

May 1, 2006

Toby Walter



Date

Legible Name and Signature of Reporter

Name of Company: Neal Gross Co.

May 1, 2006

Judy Hadley



Date

Legible Name and Signature of Transcriber

Name of Company: Neal Gross Co.

May 1, 2006

Mallory Trimyer



Date

Legible Name and Signature of Proofreader

Name of Company: Neal Gross Co.

FCC ENFORCEMENT BUREAU
AFFIDAVIT OF TERRY KEITH HAMMOND

2006 SEP 25 P 2:55

State of Texas)
) ss.
County of Hale)

INVESTIGATIONS &
HEARING DIVISION

BEFORE ME, the undersigned Notary, personally appeared Terry Keith Hammond, who, having been first duly sworn by me, deposes and says:

1. I am the licensee of Station KBKH(FM), Shamrock, Texas, License File Number: BLH-19970925KC.
2. I am currently incarcerated in the J.B. Wheeler Unit, CID- State Operated Jail, located in Plainview, Texas.
3. On September 15, 2006, I received a copy of the Order To Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, EB Docket No. 06-163, FCC 06-124, issued by the Federal Communications Commission.

FURTHER AFFIANT SAYETH NAUGHT.

Terry Keith Hammond
Terry Keith Hammond

The foregoing instrument was acknowledged and executed this 15th day of September, 2006, by Terry Keith Hammond who is personally known by me or who has produced identification and who did take an oath.

Judy Lara
Notary Public
State of Texas

(SEAL)

My Commission Expires:

